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*The Commonwealth of Massachusetts*  
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Commissioner

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Chairman

Gary Mocella, P.E.  
Vice Chairman

Robert Anderson  
Administrator

Date: May 3, 2010

Name of Appellant: Aliya & Hassan Ahmed

Service Address: Charles Rolando  
555 Virginia Road, Ste. 203  
Concord, MA. 01742

In reference to: 355 Garfield Road  
Concord, MA. 01742

Docket Number: 10-849

Property Address: 355 Garfield Road  
Concord, MA. 01742

Date of Hearing: 03-04-10

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

**BUILDING CODE APPEALS BOARD**

*Patricia Barry*

Patricia Barry, Clerk

cc: Building Code Appeals Board  
Building Official

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**BUILDING CODE APPEALS BOARD  
DOCKET NO: 10-849**

Charles Rolando,	)	
Appellant,	)	
	)	
v.	)	
	)	
Town of Concord,	)	
Appellees	)	
	)	

**MEMORANDUM OF DECISION AND ORDER ON APPELLANT'S  
REQUEST FOR FURTHER REVIEW**

**PROCEDURAL HISTORY**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 7<sup>th</sup> edition 780 CMR 5313.5.1, for the property at 355 Garfield Road, Concord, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on March 4, 2010 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Appearing on behalf of the Appellant was Charles Rolando. Laurie Livoli, Concord building inspector, appeared for the Appellee.

**DISCUSSION**

The issue before the Board is whether a variance should be granted from 780 CMR 5313.5.1, relieving appellant from requirement of installing automatic sprinklers. 780 CMR 5313.5.1 states, "Automatic sprinklers installed in accordance with NFPA 13D shall be installed in one- and two-family dwellings having an aggregate area greater than 14,400 square are feet (1338 m2), including basements but not including garages and unfinished attics."

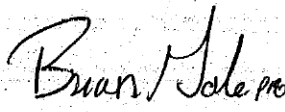
The Board found that the financial hardship and excessive costs of installing the sprinkler system was not legitimate and that the quote the owner received for the sprinkler system installation was not accurate. It reasoned that the purported costs associated with installation were outweighed by the life safety concerns that would exist without the installation of such a system. The Board stated that the appellant, with approval by the building inspector, could seek an alternative means to achieve compliance with the building code. At hearing, a motion was made to deny the appellant's request for a variance. There was a second on the motion and the Board vote was taken, which was unanimous.


**ORDER**

For the forgoing reasons, the Appellant's request for a variance from 780 CMR 5313.5.1 is hereby **DENIED**, by a vote of 3-0, requiring compliance with the code.

**SO ORDERED.**

  
JACOB NUNNEMACHER

  
BRIAN GALE

  
STANLEY SHUMAN

DATED: May 3, 2010

*In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after receipt of this decision.*

*This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108*